

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:97CR288

UNITED STATES OF AMERICA

VS.

SHAHBORN EMMANUEL

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ORDER

THIS MATTER is before the Court on the Defendant's filing entitled, "Motion for Jurisdiction Issues for Ceded Land for the Existence of Lawful Jurisdiction for the Western District of North Carolina (Asheville Division)," filed July 18, 2007.

After review of the Defendant's motion, the Court finds it to be totally without merit and frivolous on its face.

Prisoners do not have an absolute and unconditional right of access to the courts in order to prosecute frivolous, malicious, abusive or vexatious motions. ***Demos v. Keating*, 33 Fed. Appx. 918 (10th Cir. 2002); *Tinker v. Hanks*, 255 F.3d 444, 445 (7th Cir. 2001); *In re Vincent*, 105 F.3d 943 (4th Cir. 1997).** The Defendant is hereby warned that future

frivolous filings will result in the imposition of a pre-filing review system.

***Vestal v. Clinton*, 106 F.3d 553 (4th Cir. 1997).** If such a system is placed in effect, pleadings presented to the Court which are not made in good faith and which do not contain substance, will be summarily dismissed as frivolous. ***Foley v. Fix*, 106 F.3d 556 (4th Cir. 1997); *In re Head*, 19 F.3d 1429 (table), 1994 WL 118464 (4th Cir. 1994).** Thereafter, if such writings persist, the pre-filing system may be modified to include an injunction from filings. **See, 28 U.S.C. §1651(a); *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir. 1984).**

IT IS, THEREFORE, ORDERED that the Defendant's motion is hereby **DENIED**.

Signed: July 20, 2007



Lacy H. Thornburg
United States District Judge

